



Agenda Report

July 8, 2024

TO: Honorable Mayor and City Council

FROM: City Clerk, City Attorney, and City Manager

SUBJECT: CONSIDERATION OF CHARTER STUDY TASK FORCE RECOMMENDATIONS FOR POSSIBLE CHARTER AMENDMENT MEASURE(S) TO SUBMIT TO VOTERS ON THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION BALLOT; AND DIRECTION TO CITY STAFF ON THE PREPARATION OF ANY NECESSARY RESOLUTIONS, AS WELL AS A SUPPLEMENTAL VOTER INFORMATION PAMPHLET

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is not a “project” subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 21065 and within the meaning of Section 15378(b);
2. Consider recommendations made by the Charter Study Task Force, and determine how to proceed on Charter Amendment and/or Administrative recommendations;
3. Direct City staff on the preparation of any necessary resolutions to place one or more Charter Amendment measures on the November 5, 2024 General Municipal Election ballot for the City of Pasadena; and
4. Direct City staff on the preparation of a separate supplemental voter information pamphlet to send to voters in the City of Pasadena for all related City of Pasadena ballot measures for the November 5, 2024 General Municipal Election.

BACKGROUND:

Following a series of discussions held in September, October, and November 2023, the Mayor and City Council convened a Charter Study Task Force comprised of residents of the City representing the seven Council districts, the Mayor’s Office, and two At Large City representatives. The Task Force examined and made recommendations on the following topics:

- Vacancy Appointment Process for Mayor and City Council – Consider options for allowing Special Elections (Charter Sections 403 and 404)
- Vice Mayor Appointment Process, Timing, and/or Length of Term (Charter Sections 401 and 407)
- Term Limits for the Mayor and City Council
- Campaign Contribution Limits
- Timing of Mayoral Election (Charter Sections 401 and 406)
- City Council Compensation, broadly, as well as dedicated childcare and eldercare allowances for members of the City Council (City Charter Section 405)

On June 10, 2024, the Charter Study Task Force submitted its Final Report and recommendations to the City Council regarding the above assigned topics. Following discussion, the information was received and filed, and City staff was directed to bring back an in-depth review of the recommendations for City Council consideration to determine whether to submit one or more Charter Amendment measures for voter consideration as part of the November 5, 2024 General Municipal Election ballot for the City of Pasadena.

The deadline to submit ballot measures to the Los Angeles County Registrar-Recorder/County Clerk's Office for inclusion on the November 5, 2024 General Election ballot is August 9, 2024 (88th day prior to the election). This process requires the preparation and adoption of City resolutions formally submitting each measure, including approved ballot questions, directing the City Attorney to prepare an impartial analysis, and authorizing arguments and rebuttals in support and opposition. Once approved by the Council, City staff then submits said resolutions to the Registrar of Voters, as well as the Los Angeles County Board of Supervisors. The City Council's last scheduled meeting date to adopt the necessary resolutions to place measures on the November ballot prior to the August 9th deadline is July 22, 2024. However, if necessary, the Council can also utilize July 29, 2024 as a meeting date (currently scheduled to be canceled) should more time be needed to finalize any ballot measure details.

CONSIDERATION OF TASK FORCE RECOMMENDATIONS:

Vacancy Appointment Process and Special Election

(Refer to pages 5 - 8 in the Final Report, as well as related Task Force meeting minutes for January 20, February 7, and February 22, 2024).

The Task Force discussed the Vacancy Appointment Process for members of the City Council at three separate Task Force meetings (as noted above). The discussion focused on the benefits and drawbacks of making appointments to fill vacancies on the City Council, balancing the need for elected representation with the high costs of conducting special stand-alone City elections, ways to ensure the appointment process includes not only outreach to the community but tangible engagement as a way to

inform the Council on constituent preferences to fill the vacant Council seat, and other details related to Council vacancies.

Following the Task Force's deliberations and public input on this matter, the Task Force recommended the following Charter Amendment changes:

- For City Council district vacancies with less than two years remaining on the unexpired term, the City Council shall conduct an appointment process
- Appointments shall be made within 75 days of the date a vacancy is declared by the City Council
- Applicants that wish to be considered for appointment must demonstrate at least six-months of residency within the district prior to the vacancy occurring
- Add death to the City Charter as a cause for vacancy on the City Council
- For City Council district vacancies with two years or more remaining on the unexpired term, the City Council shall call a special election
- For such vacancies where the City Council fails to appoint a member of the district to the vacant seat by the 75-day deadline, the City Council shall call a special election
- Timing of special election prioritizes consolidation with established scheduled election dates to maximize cost-savings and voter participation opportunities, but also provides flexibility to the Council to call special elections as early as possible (in coordination with the Los Angeles County Registrar-Recorder/County Clerk)
- Any candidate for office in a special election to fill a vacancy receiving a 50%+1 majority of the total votes cast, either in the Primary or the General municipal election, will begin serving the remaining unexpired term upon certification of the election results for that election

Some important considerations for the City Council, also discussed by the Task Force, include:

- Costs for special stand-alone elections are estimated to be 10 times more expensive than consolidated elections occurring on statewide dates
 - No other agency to share election costs
 - Funds used for special elections would come from the City's General Fund, reducing available resources for other important City programs and needs
- Voter turnout rates for special stand-alone elections are historically lower than elections held on statewide dates, diminishing participation rates of constituents in electing representation

Additional Task Force Recommendations Not Requiring Charter Amendments

At each of the meetings that the Task Force discussed the appointment process for the City Council, it was strongly urged that the City Council set forward the details and process to be used to fill the vacant seat set by ordinance. Further, that the process

detailed in the ordinance include “robust” public outreach components and most importantly community engagement on the Council’s selection to fill a vacancy. The appointment process utilized in the past to recently fill vacancies in Council Districts 3, 5, and 7 should be discussed and considered for improvements, with the Council updated provisions to be codified in the Pasadena Municipal Code by ordinance. The City Council should discuss and receive public input on the public outreach and community engagement components to be detailed in the ordinance.

Additional consideration: The language above sets the cutoff for a mandatory appointment process at less than two years, and a mandatory election process at two years or more. The City Council can direct staff to adjust this cutoff time for an appointment/election process.

Vice Mayor and Mayor Pro Tempore

(Refer to pages 9 - 11 in the Final Report, as well as related Task Force meeting minutes for January 20, 2024).

The Task Force discussed the position of Vice Mayor on January 20, 2024. The members reviewed the timing of selection and the term of the Vice Mayor position, the timing of the City Council’s organizational meeting, and the roles of the Vice Mayor during the absence and vacancy of the Mayor’s position. Following deliberations by the Task Force, including input by members of the public, the Task Force recommended the following Charter Amendment changes to the timing of the City Council’s organizational meeting and the role of the Vice Mayor:

- The timing of the City Council’s organizational meeting is recommended to occur annually in December of each year
- The Vice Mayor shall be selected from among the members of the City Council, on an annual basis at the organizational meeting, and for a term of one year
- As is currently stated in the City Charter, the Vice Mayor shall exercise the powers and perform the duties of the Mayor during the latter’s absence, but should not automatically assume the role of the Mayor due to vacancy

With regard to a vacancy occurring in the Mayor’s seat, which remains vacant until the seat is filled at the next general municipal election, the Task Force, following input from members of the public, recommended the following:

- Create a Mayor Pro Tempore position in the City Charter
- In the event of a vacancy in the Mayor’s seat, the City Council shall select from among its remaining members, a Mayor Pro Tempore to assume the duties of the Mayor until the seat is filled at the next general municipal election

Additional Task Force Recommendations Not Requiring Charter Amendments

At the meeting that the Task Force discussed the role of the Vice Mayor, the Task Force included in its motion that the City Council should consider seniority and the benefits of rotating the Vice Mayor role to develop experience on the City Council. It was noted in the motion that neither factor is a requirement, but is suggested rather as a consideration for selecting a Vice Mayor.

Additional considerations: There are some remaining issues that the City Council may decide to address if a Mayor Pro Tempore position is created in the City Charter.

- Determine the timing for selecting a Mayor Pro Tempore in the event of a vacancy in the Mayor's seat. Shall the Mayor Pro Tempore be selected:
 - At the same meeting of the City Council when the declaration of vacancy occurs;
 - At the next regular or special meeting of the City Council following the declaration of vacancy; or
 - Within 30 days of the declaration of the vacancy

Currently in the City Charter, the Vice Mayor assumes the role of the Mayor until the Mayor's seat is filled at the next general municipal election. The proposed language to add a Mayor Pro Tempore position is similarly framed, such that the Mayor Pro Tempore would serve until a new Mayor is elected and whose term of office begins at the City Council organizational meeting following the General Municipal Election. As a possible alternative, the City Council could direct staff to prepare modified Charter language that would allow a candidate seeking to fill a Mayoral vacancy, who receives a 50%+1 majority of the total votes cast in the Primary municipal election, to begin serving the remaining unexpired term upon certification of the election results. This would enable the City Council to return to full membership sooner than what is currently provided by the City Charter, or is proposed as part of the creation of the Mayor Pro Tempore position. It would be especially beneficial for a special off-cycle primary municipal election (occurring at the same time as Districts 3, 5, and 7) since there is no reason to delay the start of an unexpired term of a successfully elected Mayoral candidate when a run-off election is not necessary.

Lastly, an issue discussed by the Task Force without recommendation relates to nominating authority for Mayoral appointments to commissions, boards, and committees, as well as compensation for the Mayor Pro Tempore for the additional duties required when filling the Mayor's role. Should the Mayor Pro Tempore have nominating authority for Council District **and** Mayoral nominations to Commissions, Boards, and Committees? City staff believes the answer is yes, as this would fall under the assumption of powers and duties of the Mayor. Should the Councilmember serving as Mayor Pro Tempore receive compensation equal to that of the Mayor? City staff believes that this matter should be discussed and determined by the Council Compensation Committee when it is next empaneled and convenes.

Term Limits for the Mayor and City Council

(Refer to pages 12 - 14 in the Final Report, as well as related Task Force meeting minutes for February 7 and March 14, 2024).

The Task Force held discussions regarding term limits for the Mayor and City Council at the February 7 and March 14, 2024 meetings. A primary focus of this discussion was the advantages and disadvantages of term limits; noting the benefits of long-term and experienced members serving on the City Council, weighed against incumbency advantages and the need for periodic changes on the City Council to allow for fresh voices and new ideas. The Task Force discussed the framework for term limits, whether members should be termed out after reaching a certain limit, and whether term limit provisions should apply equally to the Mayor and Councilmembers. Following Task Force deliberation, and input from members of the public, the following recommendations were suggested as Charter Amendments:

- Beginning January 1, 2025, Councilmembers can serve no more than three consecutive terms. Following at least a four-year hiatus from the seat, the member can serve two additional terms. No more than five total terms for any one member to serve in a Council District seat.
- Beginning January 1, 2025, the Mayor can serve no more than three consecutive terms. Following at least a four-year hiatus from the seat, the Mayor can serve two additional terms. No more than five total terms for any person to serve in the Mayor's seat.
- Partial elected term of two years or more counts towards the term limit.

Additional Task Force Recommendations Not Requiring Charter Amendments

During Task Force discussions involving term limits, the issues of succession planning and encouraging community members to serve as Councilmembers was considered. This ultimately led the Task Force to recommending that the City Council adopt a Council-driven public information process to encourage individuals to run for public office to ensure that there is a diverse pool of candidates prepared to seek elected positions on the City Council when experienced members term out.

The Task Force also recommended that the City Council adopt a formal onboarding process for new Councilmembers, including incorporating opportunities for training and conferences focused on newly elected Councilmembers. This includes League of California Cities conferences and trainings, as well as City prepared onboarding efforts to help newly elected members navigate through the day-to-day commitments of the elected office after being sworn in.

Additional consideration: With regard to partial two-year elected terms, the period between organizational meetings may vary slightly by a measure of days. Two years in duration is equal to a period of 730 days. However, based on variations of November General Election dates (which occur on the first Tuesday following a Monday in

November of even years), the period covered between two election cycles over the next 10 years ranges between 728 days and 735 days.

For example, December 9, 2024 is the start of term following the November 5, 2024 General Election. The next City Council organizational meeting following the November 3, 2026 General Election will occur on December 7, 2026, which is 728 days later than the start of the term, and technically two days less than two years.

The intent of this provision for a partial two-year term resulting from an election for a Councilmember or Mayor is to count as a full term for purposes of term limits, even if the two-year period is slightly less than two years (or 730 days). The Council can direct staff to draft the appropriate Charter language to ensure that the intent of the partial term of two years is clear in the City Charter.

Campaign Contribution Limits

(Refer to pages 17 - 19 in the Final Report, as well as related Task Force meeting minutes for March 28, April 25, and May 9, 2024).

The Task Force discussed the issue of Campaign Contribution Limits at three meetings, focusing on data and information related to any causal connection between campaign contribution limits and increased independent expenditures. The issue of contribution limits received significant public input and advocacy from community members. Following Task Force deliberations, as well as public input, it was recommended that the City adopt the following Campaign Contribution Limits by ordinance (not as a Charter Amendment):

- Set by ordinance, campaign contribution limits of \$2,500 per person (or entity), per election for contributions to candidates for Mayor
- Set by ordinance, campaign contribution limits of \$1,000 per person (or entity), per election for contributions to candidates for Council Districts
- Set by ordinance, a framework for enforcement by the City equivalent or exceeding the enforcement by the Fair Political Practices Commission

In addition, the Charter Study Task Force recommended a Charter Amendment related to Campaign Contribution Limits, as follows:

- In the event the City Council adopts an ordinance implementing campaign contribution limits different than state limits, a City Charter provision should be adopted to limit changes to the Campaign Contribution Limit ordinance to no sooner than following the 2nd election cycle after its enactment or amendment

Additional considerations: The timeline for placing measures on the ballot for the November 5, 2024 General Election does not necessarily impact consideration of an ordinance to set campaign contribution limits. The next election cycle for the City

Council occurs in calendar year 2026. An ordinance can be adopted at a later date than the actions requiring Charter Amendment measures for the 2024 General Election. This provides the City Council with additional time to review and consider the issue, direct staff on the preparation of such an ordinance, and also consider the framework for enforcement that will be needed to implement contribution limits. The City Council can provide direction to staff on when to return for further discussion on this matter, or to prepare an ordinance within a certain timeframe and with the specific details needed to establish limits, including utilizing the Task Force's recommendations.

Regarding the recommended Charter Amendment measure to limit adjustments to the ordinance establishing contribution limits, the City Council can direct this to be included with other Charter Amendment measures for the November 5, 2024 General Election ballot, or the Council can determine that such a measure be included on either the June or November election dates in 2026.

City Council Compensation

(Refer to pages 20 - 22 in the Final Report, as well as related Task Force meeting minutes for March 14 and March 28, 2024).

The Task Force discussed Council Compensation at the two meetings held in March regarding adjustments to Council Compensation and also on the issue of expanding eligible benefits beyond childcare, which eventually was recommended to be termed as "family care". Following discussion by the Task Force, as well as public input from members of the community, it is recommended:

- The City Council convene the Council Compensation Committee as soon as possible, while also considering current City Charter provisions affecting the Committee, including the October 1st deadline specified in Charter Section 405, paragraph four;
- The Council Compensation Committee consider replacing the term (and related benefits) "childcare" with "family care" to cover a broader category of eligible reimbursements for members of the City Council; include Consumer Price Index (CPI) increases for certain benefits (excluding stipends or health and welfare benefits) to support and promote diversity on the City Council; and review methods of the Council's reimbursement process to increase efficiency and transparency;
- Direct City staff to provide the Council Compensation Committee with reports and information utilized by the Task Force, as well as details from its discussions (meeting minutes), as background information for their consideration; and
- Amend the City Charter to require that the Council Compensation Committee be convened to review the issue of Council Compensation not less than once every five years.

Timing of Mayoral Elections

(Refer to pages 15 - 16 in the Final Report, as well as related Task Force meeting minutes for February 22 and April 11, 2024).

The Task Force discussed the timing of the Mayor's election over two meetings to determine if adjustments to Mayor's election could address issues of fairness and equity for members of the City Council seeking to run for the Mayor's seat. Although several scenarios were considered (two and six year terms for Mayor, special stand-alone elections, changing the timing of City Council elections and conducting plurality voting, etc.), the Task Force ultimately determined that each alternative to address the fairness issue created additional unintended consequences. It was therefore decided by the Task Force to recommend no changes be made to the City Charter on the issue of the timing of the Mayoral election.

Supplemental Voter Information Pamphlet

Depending on the number of Charter Amendment topics the City Council decides to submit to voters, as well as the measures related to the Library Renovation Project, Fire and Police Retirement System Board, and Charter Article XVIII (Rent Control), it may be advisable for the City Council to direct staff to prepare a voter information pamphlet for City measures. This would be separate from the one distributed by the Los Angeles County Registrar-Recorder/County Clerk, and would only include information on City of Pasadena issues. The pamphlet would be printed in English and Spanish, and include the ballot questions, Charter Amendment or ballot measure details, the City Attorney's impartial analysis, and arguments and rebuttal arguments (if authorized) for each measure. For the November 2022 General Election, the City prepared and mailed a separate voter information pamphlet for Charter Amendment Measure H implementing rent control in the City.

ENVIRONMENTAL ANALYSIS:

CEQA excludes, from environmental review, actions that are not "projects" as defined by CEQA Guidelines Section 21065 and within the meaning of Section 15378(b). Sections 21065 and 15378 define a project as an action which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Section 15378 excludes from the definition of "project" organizational or administrative governmental activities that do not result in physical changes to the environment. The actions proposed herein, directing staff to prepare necessary resolutions to place one or more Charter Amendment measures on the General Municipal Election ballot and a separate supplemental voter information pamphlet to send to voters for all related City of Pasadena ballot measures, are organizational or administrative governmental activities that do not result in physical changes to the environment, and therefore this is not a "project" as defined by CEQA. Since the action is not a project subject to CEQA, no environmental document is required.

FISCAL IMPACT:

The Task Force’s Final Report provides the City Council with various recommendations, ranging from Charter Amendments to administrative changes. To amend the City Charter, the City Council must submit Charter Amendment ballot measures to voters for approval. Each measure is estimated to cost approximately \$80,000. It is possible to combine related topics into a single measure (i.e., City Council Appointments, Elections, Vice Mayor, and Mayor Pro Tempore) to reduce the number of measures to submit to voters. In addition to the topics studied by the Task Force and recommended for voter approval, the City is preparing to submit other ballot measures related to the Library Renovation project, Fire and Police Retirement System (FPRS), and Pasadena Rent Stabilization. It is estimated that the total number of City ballot measures expected for the November 5, 2024 General Municipal Election will be between six and eight measures. The City Clerk’s Office election budget is currently set at \$550,000. Depending on the final number of approved measures, additional funds may be needed to cover all election related expenses. The Fire and Police Retirement System Board has agreed to share in the costs for the FPRS Charter Amendment measure, appropriating \$40,000 towards election related costs, and has allocated \$40,000 towards that cost.

Lastly, the cost for a City-specific supplemental voter information pamphlet is estimated to cost around \$100,000, including postage. If it is determined that a supplemental pamphlet is necessary and beneficial to focus Pasadena residents on the many important City measures scheduled for the upcoming November 5, 2024 General Election ballot, City staff will return on July 22, 2024 with a prepared quote, as well as a budget request for additional funds to cover the costs to print and mail the pamphlet.

Respectfully submitted,

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City Clerk

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Concurred by,

Miguel Marquez
City Manager

Attachment A - May 23, 2024 Charter Study Task Force Final Report

Attachment B – Redline Version of Recommended Charter Changes

Attachment C – Draft Ballot Questions